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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

EDUARDO I.T., et al.,	)	CASE NO. 4:22-cv-05333-DMR
	)	
Plaintiffs,	)	<b>STIPULATION AND <del>[PROPOSED]</del> ORDER TO</b>
	)	<b>CONTINUE DEFENDANT'S DEADLINE TO</b>
v.	)	<b>ANSWER PLAINTIFFS' COMPLAINT</b>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

WHEREAS on September 20, 2022 Plaintiffs filed their Complaint in this action;

WHEREAS on November 18, 2022 the Court granted as modified the parties' stipulation to set a briefing schedule on Defendant's motion to transfer, or, in the alternative, dismiss the Complaint, and to set additional case management deadlines thereafter, *see* Dkt. No. 16;

WHEREAS on November 22, 2022 Defendant filed its motion to transfer or, in the alternative, dismiss the Complaint, *see* Dkt. No. 17;

WHEREAS on February 24, 2023 the Court denied Defendant's motion to transfer, or, in the alternative, dismiss the Complaint, and ordered that Defendant file its Answer to Plaintiffs' Complaint within 21 days thereafter, or March 17, 2023, *see* Dkt. Nos. 30 & 31;

STIPULATION AND [PROPOSED] ORDER TO CONTINUE DEADLINE TO ANSWER COMPLAINT  
 4:22-cv-05333-DMR

1 WHEREAS the parties are conferring regarding Plaintiffs' execution of privacy waivers, which  
 2 Defendant believes are necessary before Defendant can publicly admit or deny the vast majority of the  
 3 Plaintiff-specific allegations in the Complaint, and which waivers Plaintiffs are diligently working to  
 4 execute so they can promptly be returned to Defendant;

5 WHEREAS the parties have conferred regarding the timing of Defendant's Answer to Plaintiffs'  
 6 Complaint and agree that it would promote judicial economy and be more efficient for the parties and  
 7 the Court for Defendant to file a single Answer after Plaintiffs have returned executed privacy waivers  
 8 to Defendant (as opposed to Defendant filing two Answers—one before Defendant receives the privacy  
 9 waivers, and an Amended Answer after Defendant receives them), so that Defendant can either admit or  
 10 deny, as appropriate, the Plaintiff-specific allegations in the Complaint;

11 NOW, THEREFORE, pursuant to Civil Local Rules 6-2 and 7-12, and subject to the Court's  
 12 approval, the parties stipulate that Defendant's Answer to Plaintiffs' Complaint shall be due 14 days  
 13 after Plaintiffs return valid, executed privacy waivers for each Plaintiff to Defendant.

14  
 15 **IT IS SO STIPULATED.**

16 Dated: March 15, 2023

PILLSBURY WINTHROP SHAW PITTMAN LLP

17  
 18 By: /s/ Dustin Chase-Woods  
 Blaine I. Green  
 Dustin Chase-Woods

19  
 20 LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
 OF THE SAN FRANCISCO BAY AREA

21  
 22 By: /s/ Bree Bernwanger  
 Bree Bernwanger  
 Victoria Petty

23  
 24 Counsel for Plaintiffs

1 Dated: March 15, 2023

Respectfully submitted,

2 STEPHANIE M. HINDS  
United States Attorney

3 /s/ Kelsey J. Helland  
4 Kenneth Brakebill  
Kelsey J. Helland  
5 Assistant United States Attorney

6 Counsel for the United States of  
America

7  
8 **ECF ATTESTATION**

9 In accordance with Civil Local Rule 5-1(h)(3), I, Kelsey J. Helland, attest that I have obtained  
10 concurrence in the filing of this document from all other signatories listed here.

**DECLARATION OF KELSEY HELLAND**

I, Kelsey John Helland, declare and state as follows:

1. I am an Assistant United States Attorney for the Northern District of California and counsel for Defendant the United States of America in this action. I have personal knowledge of the matters set forth below, except those matters that are based on information and belief, which I believe to be true, and could and would testify competently to them if called to do so.

2. I submit this declaration in support of the Stipulation And [Proposed] Order To Continue Defendant's Deadline To Answer Plaintiffs' Complaint submitted concurrently herewith pursuant to Civil Local Rules 6-2 and 7-12.

3. Defendant believes that, before it can publicly admit or deny the vast majority of the Plaintiff-specific allegations in the Complaint, Plaintiffs must execute privacy waivers allowing Defendant to disclose certain Plaintiff-specific information.

4. I have conferred with Plaintiffs' counsel regarding Plaintiffs' execution of such privacy waivers. Plaintiffs' counsel have represented to me that they are working diligently to execute these waivers.

5. The parties have also conferred regarding the timing of Defendant's Answer, and agree that it would promote judicial economy and be more efficient for the parties and the Court if Defendant were to file a single Answer after Defendant receives valid, executed privacy waivers from Plaintiffs (as opposed to Defendant filing two Answers—one before Defendant receives the privacy waivers, and an Amended Answer after Defendant receives them).

6. The parties therefore stipulate to and request that Defendant's deadline to file its Answer be continued to a date 14 days following Plaintiffs' return of valid, executed privacy waivers to Defendant.

7. This is the parties' second request to modify the schedule in this case. On November 18, 2022 the Court granted as modified the parties' stipulation to set a briefing schedule on Defendant's motion to transfer, or, in the alternative, dismiss the Complaint, and to set additional case management deadlines thereafter. *See* Dkt. No. 16.

1           8.       The requested modification will not affect the schedule for the case, because no further  
2 dates have been set yet. The Court previously indicated that it would set a CMC and additional  
3 deadlines, if necessary, following its ruling on Defendant's motion to transfer or, in the alternative,  
4 dismiss the Complaint and Defendant's filing of its Answer thereafter. *See* Dkt. No. 16 at 6.

5  
6           I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct.

8  
9 Dated: March 15, 2023

/s/ Kelsey J. Helland  
Kelsey J. Helland  
Assistant United States Attorney

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED that Defendant's Answer to Plaintiffs' Complaint shall be due 14 days after Plaintiffs return valid, executed privacy waivers for each Plaintiff to Defendant.

DATED: March 26, 2023

  
\_\_\_\_\_  
HON. DONNA M. RYU  
Chief Magistrate Judge